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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,475	11/07/2001	Rockford F. Cutsforth	1099.1102101	2840

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EXAMINER

VAN PELT, BRADLEY J

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,475

Applicant(s)

CUTSFORTH, ROCKFORD F.

Examiner

Bradley J Van Pelt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent Document DE 44 45 204 A1 to Chen.

Chen discloses an apparatus for mounting a handlebar (40) to a vehicle (30), the apparatus comprising: two mounts (20), each mount including a first portion (21) and a second portion (22); the first portion being adapted and configured to be connected the handlebar such that the handlebar is selectively rotatable about a first axis to allow for adjustment of the axial orientation of the handlebar relative to the vehicle; the second portion being adapted and configured to be connected to the vehicle for selective eccentric rotation of the mounts about a second axis to allow for selective height and position adjustment of the handlebar in relation to the vehicle (see fig. 8);

the mounts are adapted and configured to be spaced in relation to one another when connected to the vehicle;

the spacing of the mounts can be varied to allow for fit of the apparatus on different vehicles;

a riser member including a first portion and a second portion; a handlebar connecting structure adapted and configured for connection of the handlebar to the riser member; and a

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vehicle connecting structure adapted and configured for connection of the riser member to the vehicle;

the second portion of the riser includes a cylindrical portion (10) and the vehicle connecting structure comprises a clamping structure (26) adapted and configured to engage the cylindrical portion to connect the riser to the vehicle and allow for selective eccentric rotation of the riser about the second axis;

the first portion of the riser includes a semicircular groove defined therein (see fig. 3 cross section shows semicircular groove); and the handlebar connecting structure comprises a clamping structure adapted and configured to engage the handlebar connecting the first portion of the riser to the handlebar.

3. Claims 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Krizman (USPN 6,035,741).

Krizman discloses a handlebar assembly for attaching to a vehicle, comprising: a unitary handlebar (2); a first mount (10) comprising a first portion (24, 44) configured to clamp to the unitary handlebar, and a second portion comprising a cylindrical protrusion (30) for attachment to the vehicle; and a second mount (13) configured to clamp to the unitary handlebar, and a second portion comprising a cylindrical protrusion for attachment to the vehicle;

the cylindrical protrusion of the first mount extends toward the cylindrical protrusion of the second mount;

a unitary handlebar; and two mounts (10, 12), each mount having a first portion configured to secure to the unitary handlebar and a second portion configured to secure to the vehicle.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Krizman (USPN 5,829,316).

Chen discloses all of the instantly claimed invention except a unitary handlebar.

Krizman shows a unitary handlebar (2).

To modify the apparatus of Chen so as to provide a unitary handlebar would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Krizman that such an arrangement improves the stability of the steering apparatus.

Response to Arguments

6. Applicant's arguments filed May 27, 2003 have been fully considered but they are not persuasive. The applicant submits that Chen does not anticipate each and every feature of claims 1-19. Specifically the applicant states "Chen does not describe a pair of mounts that each have a first portion that is adapted to connect to a handlebar and a second portion that is adapted to connect to a vehicle."

Chen, however, anticipates each and every feature of claims 1-19. Chen clearly discloses in Fig. 2 a pair of mounts (20) that each have a first portion (top hole 21) that is adapted to

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connect to a handlebar (40) and a second portion (bottom hole 22) that is adapted to connect to a vehicle (30).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

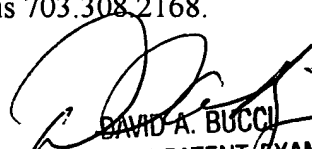
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.872.9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.2168.

BJVP
July 24, 2003


DAVID A. BUCCI 7/25/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600